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07/24/01  
J1046 U.S. PTO

**CERTIFICATE UNDER 37 CFR 1.10**  
**EXPRESS MAIL LABEL:** EL 527 872 380 US  
**DEPOSITED:** JULY 24 2001

*I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service in an envelope as "Express Mail" addressed to the Box Patent Application Fee; Assistant Commissioner for Patents, Washington, DC 20231.*

Signed: Raquel Graeber  
Raquel Graeber

J1046 U.S. PTO  
09/911548  
07/24/01

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |
|---|---|
| <p><i>In re</i> application of:<br/>JOHN H. JERMAN et al.</p> <p>Serial No.                      To be assigned</p> <p>Filed:                              July 24, 2001</p> <p>For:    MICROMECHANICAL DEVICE<br/>          (as amended)</p> | <p>Examiner:                      Not yet assigned</p> <p>Group Art Unit:                2831</p> <p>Date:                              July 24, 2001</p> |
|---|---|

**NEW APPLICATION TRANSMITTAL**  
**(37 C.F.R. § 1.53(b)(1))**

**Box PATENT APPLICATION FEE**  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing a

— Original

X Continuation

— Divisional

— Continuation-in-part

application under 37 C.F.R. 1.53(b), in the names of John H. JERMAN and John D. GRADE for:                **MICROMECHANICAL DEVICE**

*This application is a continuation application of U.S. patent application Serial No. 09/464,361 filed December 15, 1999, which claims priority to U.S. provisional patent application Serial No. 60/112,265 filed December 15, 1998, to U.S. provisional patent application Serial No. 60/112,263 filed December 15, 1998 and to U.S. provisional patent application Serial No. 60/123,512 filed March 8, 1999.*

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2. **Benefit of Prior U.S. Application(s)** (35 U.S.C. 119(e), 120, or 121)

- ☒ Enclosed is a copy of the prior application as originally filed.
- ☒ Priority application claims priority to pending application(s) Serial No(s).  
*Serial No. 09/464,361 filed December 15, 1999;*  
*Serial No. 60/112,265 filed December 15, 1998;*  
*Serial No. 60/112,263 filed December 15, 1998;*  
*Serial No. 60/123,512 filed March 8, 1999.*
- ☐ the certified copy has been filed in prior application, Serial No. 0/, filed on .

3. **Papers enclosed:**A. Required for filing date under 37 C.F.R. § 1.53(b) (Regular) or 37 C.F.R. § 1.53 (Design) Application.☒ Enclosed is a new application.33 Pages of specification6 Pages of claims4 Sheets of drawings☒ formal☐ informal1 Page of abstractB. Other papers enclosed

- ☒ Enclosed is a copy of the prior executed Declaration for Patent Application as originally filed;
- ☐ Enclosed is a copy of the prior executed Revocation and Substitution of Power of Attorney by Assignee;
- ☐ Enclosed is an executed Assignment to \_\_\_\_\_ with Cover sheet.

4. **Additional papers enclosed**

- ☐ Amendment to claims
- ☐ Cancel in this application original claim(s) \_\_\_\_\_ before calculating the filing fee. (At least one original independent claim must be retained for filing purposes).
- ☐ Add the claims shown on the attached amendment. (Claims added have been numbered consecutively following the highest numbered original claims).
- ☐ Amendment to Specification.
- ☐ Amend the specification by inserting before the first line the sentence:
- ☒ A Preliminary Amendment is attached.
- ☒ Information Disclosure Statement (37 C.F.R. 1.98) with Form PTO/SB/8A
- ☒ No fee is required.
- ☐ Fee regarding Information Disclosure Statement:
- ☐ Fee Under 37 CFR 1.17(p) \$240.00
- ☐ Petition Fee Under 37 CFR 1.17(i) \$130.00

**Total Information Disclosure Statement Fee:** \$0

- ☐ Authorization of Attorney(s) to Accept and Follow Instructions from Representative.
- ☐ Special Comments: \_\_\_\_\_
- ☐ Other: \_\_\_\_\_

**5. Declaration or oath (including power of attorney)**

- ☒ Enclosed
- Executed by
- ☒ inventor(s)
- ☐ legal representative of inventor(s)
- ☐ Joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or cannot be reached.
- ☐ This is the petition required by 37 C.F.R. 1.47 and the statement required by 37 C.F.R. 1.47 is also attached.
- ☐ Not enclosed.
- ☐ Application is made by a person authorized under 37 C.F.R. 1.41(c) on behalf of *all* the above named inventor(s).
- ☐ A Power of Attorney by Assignee is enclosed.
- ☒ The Power of Attorney in the prior application is to:
- Name: FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
- Address: Four Embarcadero Center, Suite 3400
- San Francisco, California 94111
- ☐ The power appears in the original papers in the prior application, a copy of the power in the prior application is enclosed.
- ☐ Since the power does not appear in the original papers, a copy of the power in the prior applications is enclosed.

**6. Inventorship Statement**

The Inventorship for all the claims in this application are:

- ☒ the same inventors named in the prior application.
- ☐ inventors fewer than all the inventors named in the prior application.
- ☐ please delete the following name(s) as inventor(s): \_\_\_\_\_
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made,
- ☐ is submitted.
- ☐ will be submitted.

**7. Language**

- ☒ English
- ☐ Non English
- ☐ The attached translation includes a statement that the translation is accurate. 37 C.F.R. 1.52(d).

8. **Assignment**

- ☐ An executed assignment of the invention to: \_\_\_\_\_  
☐ is attached. A separate ☐ "COVER SHEET FOR ASSIGNMENT (DOCUMENT) ACCOMPANYING NEW PATENT APPLICATION" OR ☐ FORM PTO 1595 is also attached.  
☐ will follow.

[XX] The prior application is assigned of record to: IOLON, INC.  
 A copy of the original recorded Assignment with Notice of Recordation of Assignment Document is enclosed.

9. **Extension of time**

- ☐ The term for response or taking action in the prior application expires on \_\_\_\_\_  
☐ An extension of time in the prior application is:  
☐ filed concurrently in the prior application.  
☐ has been filed on \_\_\_\_\_.  
☐ Applicant hereby petitions for an extension of time in prior application serial no. \_\_\_\_\_ and encloses the fee of: **\$0.00**

| <u>Small Entity</u>      |              |          | <u>Large Entity</u>      |              |            |
|--------------------------|--------------|----------|--------------------------|--------------|------------|
| <input type="checkbox"/> | One month    | \$ 55.00 | <input type="checkbox"/> | One month    | \$110.00   |
| <input type="checkbox"/> | Two months   | \$195.00 | <input type="checkbox"/> | Two months   | \$390.00   |
| <input type="checkbox"/> | Three months | \$445.00 | <input type="checkbox"/> | Three months | \$890.00   |
| <input type="checkbox"/> | Four months  | \$695.00 | <input type="checkbox"/> | Four months  | \$1,390.00 |

10. **The filing fee has been calculated as shown below:**

|   | Number of Claims<br>originally filed or<br>remaining after<br>Amendment | Minus | Basic number<br>of claims<br>given by the<br>PTO | Present<br>Extra | Small<br>Entity<br>Rate Fee | OR | Other than a<br>Small Entity<br>Rate Fee |
|---|---|-------|--|------------------|-----------------------------|----|--|
| Basic Filing Fee  |   |       |  |                  | \$ 355                      |    | \$710                                    |
| Total Claims  | 71  | -     | 20   | 51               | x 9 = \$ 459                |    | x 18 = \$                                |
| Indep Claims  | 14  | =     | 3  | 11               | x 40 = \$ 440               |    | x 80 = \$                                |
| [ ] Multiple Dependent Claim Presented<br>and Fee not Previously Paid |   |       |  |                  | +135 = \$                   |    | +270 = \$-0-                             |
| <b>TOTAL</b>  |   |       |  |                  | <b>\$1,254</b>              |    | <b>\$-0-</b>                             |

- [X] An amendment canceling extra claims is enclosed.  
☐ An amendment deleting multiple-dependencies is enclosed.  
☐ The fee for extra claims is not being paid at this time.

Total Filing Fee:

**\$ 1,254.00**

11. **Small Entity Statement(s)**

- ☐ Enclosed is a Small Entity Affidavit.
- ☒ Status as a small entity was claimed in prior application, serial no. **09/464,361** filed on **December 15, 1999**, from which benefit is being claimed for this application under 35 U.S.C. § ☐ 119(e); ☒ 120; ☐ 121, or ☐ 365(c) and which status as a small entity is still proper and desired.

**Total Other Fees:** \$ -0-

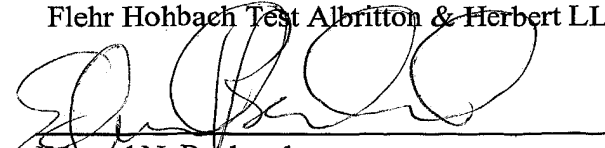
**TOTAL FEES:** \$ 1,254.00

- ☐ Request and Certification under 35 U.S.C. 122(b)(2)(i) with attached form PTO/SB/35
- ☒ A check including the amount of the above indicated TOTAL FEES is attached.
- ☒ Conditional Petition for Extension of Time:  
An extension of time is requested to provide for timely filing if an extension of time is still required after all papers filed with this transmittal have been considered.
- ☐ The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time, or credit any overpayment to Deposit Account No. 06-1300:
- ☐ Any filing fees under 37 CFR 1.16 including fees for the presentation of extra claims, other than large entity fees which, if paid, will be paid in response to a Notice of Missing Parts.
- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☒ I hereby verify that the attached papers are a true duplicate of prior application Serial No. 09/464,361 as originally filed on December 15, 1999.
- ☒ Address all future communication to:  
Edward N. Bachand of Flehr Hohbach Test Albritton & Herbert LLP

Respectfully submitted,  
Flehr Hohbach Test Albritton & Herbert LLP

Date

July 24, 2001

  
Edward N. Bachand  
Reg. No. 37,085

Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (650) 494-8700  
Facsimile: (650) 494-8771  
1030396

PATENT APPLICATION SERIAL NO. \_\_\_\_\_

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

07/27/2001 EFLORES 00000063 09911548

|           |           |
|-----------|-----------|
| 01 FC:201 | 355.00 OP |
| 02 FC:202 | 440.00 OP |
| 03 FC:203 | 459.00 OP |

PTO-1556

(5/87)

\*U.S. GPO: 2000-468-987/39595